

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

WEST VIRGINIA BOARD OF SOCIAL  
WORK EXAMINERS,

Complainant,

v.

Case No: BARONE10-12-12

MELISSA J. BARONE,  
Licensed Social Worker  
Licensed Number: AP02943803  
Respondent.

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CONSENT AGREEMENT AND ORDER

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After due investigation of information received regarding possible statutory and rule violations, the West Virginia Board of Social Work Examiners (Board) determined that there was probable cause to believe that Melissa J. Barone (Respondent) has exhibited unprofessional and unethical conduct in the practice of social work, in violation of the provisions of W. Va. Code § 30-30-1 *et seq.* and the Rules of the Board, W. Va. Code R. § 25-1-1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State. Now, in lieu of hearing, the parties have reached an agreement for the resolution of the above-styled matter and the parties agree to entry of the following Order in disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That Melissa J. Barone is a licensee of the Board, License No. AP02943803 AP00943480, and is subject to the license requirements of said Board.

2. The Board is a regulatory board created for the purpose of regulating the social work profession. W. Va. Code § 30-30-1.

3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's social work license because of authority granted to it by W. Va. Code § 30-30-5.

4. That Respondent was, at all times material hereto, employed as a Social Worker with North Central West Virginia Community Action Association.

5. That on October 12, 2012, the Board received a written complaint from North Central West Virginia Community Action Association (NCWVCAA), against the Respondent alleging the falsification of home visits and services she did not provide.

6. That the Board did forward the complaint to the Respondent for a response to the allegations, and the Respondent replied in a timely manner.

7. That the complaint alleged that the Respondent did not conduct any home visits for several clients even though home visits had been recorded by the Respondent.

8. That NCWVCAA conducted its own investigation and discovered that Respondent and Respondent's supervisor had documented home visits for several clients which had not occurred during the summer of 2012 when the agency had an open Family Educator position.

9. That client K.R. reported that she had received no home visits in July 2012 even though home visits were recorded in her case file and K.R. verified that the signatures in the case file were not

her signatures for these July home visits. Moreover, K.R. stated that the ASQSE screening tool for her had not been completed with her.

10. That client A.T. reported no home visits occurred even though her case file indicates that home visits occurred on July 17 and July 25, 2012, and A.T. verified that the signatures for the July visits were not her signatures.

11. That client C. H. had left the program prior to July 2012 even though there were recorded home visits made by the Respondent.

12. That client S.S. reported no home visits during July 2012 even though two home visits were recorded for the month in the case file.

13. That the Respondent admitted to NCWVCCA during its investigation that she had falsified home visits at the direction of her Supervisor. That the Respondent had falsified the documentation for the home visits while the Supervisor forged the parent's signature for these home visits. That the Respondent knew that her actions and the actions of her Supervisor were "ethically and legally wrong."

14. That NCWVCCA terminated the Respondent on September 25, 2012, after completing its investigation.

15. That the Board conducted an investigation, during which time NCWVCCA and the Respondent and other relevant parties were interviewed and various documents relevant to the complaint were obtained and reviewed.

16. That the Board's assigned complaint investigator did review all the information obtained during the investigation and based upon that review, did make a recommendation to the Board for a finding of probable cause.

17. That the Board, by vote at its June 3, 2013, meeting, made a finding of probable cause for violations of the National Association of Social Workers Code of Ethics.

18. That the Respondent's actions constituted violations of W. Va. Code. §§ 30-30-26(g)(3) and W. Va. Code R. § 25-1-4 which relevant sections are 1.01, 3.04(a), 3.09© and (d), 4.04, and 5.01(a) and (b) of the National Association of Social Workers Code of Ethics, and that these violations are grounds for disciplinary action by the Board.

#### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction to take disciplinary action against Respondent.

2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice social work, pursuant to W. Va. Code § 30-30-26.

3. That the Board has adopted, at W. Va. Code R. § 25-1-4, the National Association of Social Workers Code of Ethics.

4. That the Board has grounds for disciplinary action against the Respondent for violations of W. Va. Code. §§ 30-30-26(g)(3) and W. Va. Code R. § 25-1-4 which relevant sections are 1.01, 3.04(a), 3.09© and (d), 4.04, and 5.01(a) and (b) of the National Association of Social Workers Code of Ethics.

#### **CONSENT OF LICENSEE**

I, Melissa J. Barone, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.
3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.
4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.
5. That I admit that my actions were unprofessional and unethical and a violation of the statute and rules of the Board.

The Respondent, Melissa J. Barone, by affixing her signature hereon, agrees to the following:

### ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent is hereby REPRIMANDED for her actions as outlined above.
2. Respondent is hereby placed on probation for a period of (1) one year effective upon the entry date of this *Order* hereto. During this period of probation, the Respondent shall complete the following requirements:

a. Respondent shall complete twelve (12) contact hours of West Virginia Board of Social Work Examiners approved continuing education. Six of these twelve hours shall be in the area of ethics, specifically addressing the violations as noted in this *Consent Agreement and Order*. All of these twelve hours shall be earned by attending in-person seminars. Moreover, these twelve hours are in addition to the hours that each licensee must obtain in order to maintain licensure. Respondent shall provide proof of completion to the Board.

b. Respondent shall reimburse the Board for all of the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.

c. Respondent shall provide quarterly reports to the Board from her supervisor, Christi Markwood, LSW at Heartland of Preston County where the Respondent is currently employed as a licensed social worker. Should the Respondent's employment change during this probation period, the Respondent shall immediately notify the Board. Moreover, for the probationary period to continue the Respondent must submit any new employment along with a new supervisor to the Board for approval.

3. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the Health Integrity Practitioners Data Bank through the Association of Social Work Boards.

4. For any violation of this agreement, the Board may immediately suspend the Respondent's license without a hearing.

5. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

6. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

WEST VIRGINIA BOARD OF

SOCIAL WORK EXAMINERS

By:

Rita Brown

Rita Brown, Chairperson

Entered:

Nov. 5, 2013

DATE

Agreed to by:

Melissa Barone, LSW

Melissa J. Barone, Respondent

Sworn and subscribed before me this 22<sup>nd</sup> day of October, 2013.

My Commission expires: September 30, 2023



Sheila J. Burke  
Notary Public